G.R.S. IX—5]

// Reserve —

Previous references 192 (Misc:) **File No.** 254 - 22

Serial Nos. 1 α 4

Later references.

misc 254 - 22 - 10 to 17

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 1 α 4

Part B for March 1923

SUBJECT

Rejecting the revised application for Khasi of Chitaldrug Mosque to Recommend as No 15.21-3 / misc 579-4-2 of 13-10-22

Encl No. 2405 / misc 254-22-4 of 13.3.23.

Printed on the Multigraph.

GENERAL AND REVENUE SECRETARIAT.

(Muz)

NOTES.

File No. 254-22

FILE HEADING.

Review petitions of Sir Khaja Syed Mohiyuddin Hussainy Badsha Sahib, Khaja of Chitaldrug, re his powers of control over the Chitaldrug Musjid -

From

Sir Khaja Syed Mohiyuddin Hussainy Badsha Sahib, Khaja of Chitaldrug

No. Petn.	Dated 28-11-22	Received 28-11-22 5-12-22
Diary No. 1223	Enclos. 4 Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Prays that the G.O. No. 1521-3/Muz 517-19-11 dt 13-10-22 ~~xxxx~~ re the powers of the Sir Khaja of Chitaldrug over the Masjid at Chitaldrug and the appointment of a Peshi Imam in the Masjid at Chitaldrug may be reversed & modified.

NOTES AND ORDERS.

The G. O. sought to be reviewed by the Sir Khaja, on the ground that his powers of control over the Masjid have been minimised, was drafted on the lines of the 2nd Member's minute dt 12-9-22 and embodied in it, approved for issue by the Hon'ble 1st Member and Dewan.

NOTES—First Sheet.

R. S. III-2)

General and Revenue Secretariat.

File No. 254 of 1972.

Serial No.

for information after issue

2. The petr. takes exception to para 3 of the G.O., as it takes away from him the long established and long-existing legal and customary right of the Khazi, to appoint or dismiss the Peshi Imam or any other subordinate officer of the Shahaldrug masjid. In support of his contention he has produced a copy of the order of the Adalat Cutcherry (Ex A), a copy of the judgment passed on 31-3-1870 in the Judicial Assistant Superintendent's court (Ex B) and a short history of the case (Ex Z)

3. In conclusion he prays that his rights over Naibs, Peshi-Imams etc may kindly be acceded to and that so much of the order as curtails his privileges & powers, may be reversed and modified and that a stay order may be passed till his petn is disposed of -

4. It may, perhaps, be noted that the petr. has produced an unauthenticated copy of the G.O. sought to be reviewed & it is not known how he got it. He applied for a copy of the order

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat.

Rev File No. 254 of 1922.

Serial No.

was asked to produce copy of the Decree, as it does not appear to have been filed in the subsequent file.

5 Read a similar request from the Revenue, which was called for the record of the case

6. Subject for orders, with previous papers

5.12.22 Submitted.

7. The Diwan has called for the record in this case

First Member) 6/12/22

4712-204 7.12.22

Secn.

Rec'd 9.12.22 11/12/22

This is an application for the review of an order passed by the First and Second Members of Council in regard to the abandonment of a Pan Bandu in Coimbatore and other matters.

Diwan) 11/12/22

Please submit to the C.C. for Tuesday

Secn. 13.12 14/12/22

DIWAN'S OFFICE. Rec'd 14 DEC 1922. Reg. No. 3428

NOTE—Contn. sheet.

General and Revenue Secretariat.

File No. 254 of 1922

Serial No.

4998-490

16.12.22

First Member) 24/12/22

I do not think that any such facts have been brought to light as would warrant the order passed standing in need of revision. The case was heard at great length & the merits have been exhaustively dealt with in the Revenue Member's minute. The rule may be discharged by the Secretary.

Pers
23-12-22 24/12/22

4225
2/1/23

Second Member) 26/12/22

Capn. Khan Sahib Ahmad Hussain I perused the petition and the grounds thereof as well as the opinion of the Revenue Member and the Secretary and I do not think the petition should be rejected.

10/1

Draft sub'd.
26-12-22 RB 12/1/23

First Minister

8.7.0.

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

Nhow File No. of 19

	Serial No.	
5913-5997 22.1.23		Petn may be informed acc Ste has to be submitted on the imp of the below. Revd 23.1.23 (Dewan) Ser. N.C. 24/1/23 24/1/23 may the draft, put up with ease? Ste 20/2/23 For usual ord Fin Member 21/2/23
6970-661 24.2.23		Seen Revd 26.2.23 24/2/23
	4	No 2405 dt 1-3-23 to Asst Khaji & Custodians, Rejects the petn. as final. See the reason to be considered Case.

DEWAN'S OFFICE.
Recd. on JAN 25 1923
Reg. No. 4371

NOTE—Contn. sheet.

GEN. & REV. SECRETARIAT
1223
MUZRAI
22-23

Presented in Public Office this 28th day of 1430-872 Pet.
28.11.22
To the Rev Secy (Revs) with Comments. This may be dealt with in the usual course.
Ex M, at p. 25 11 22
" A at XX
" B " XXIV
" Z " XL

BEFORE THE GOVERNMENT OF H.H.THE MAHARAJA OF MYSORE.

Muz.Petition No. of 1922-1923.

Sir Khazi Syed Mohiyuddin Hussainy Badsha Saheb, Khazi of Chitaldroog. | Petitioner.

28/11/22.

With reference to their kind order No.1521-3/Muz. 517-19-21, dated Bangalore, 13th October 1922, the petitioner abovenamed very humbly begs to state, that in view of the circumstances and facts, stated below, which due to a number of reasons ~~are~~ mentioned hereunder, could not be placed for consideration before the benign Government, at the time of their passing the order above referred to, the Government be pleased to review the same, as under:-

1. The kind order (Ex.M) b XII takes away the long established and long-existing legal and customary right of the khazi, to appoint or dismiss the Pesh-Imam or any other subordinate orficer of the Chitaldroog Musjid.

2. The learned order is not clear if the Sir Khazi of the District, can or cannot, lead the prayers at the Chitaldroog Juma Mosque, even in the presence of the Deputy Commissioner -appointed Pesh-Imam, and even if he objects him to do so. It may respectfully be pointed out at this stage, that the Law and practice till now, has been, that the Khazi has a right to lead the congregation whether in the presence of the Pesh Imam or even in spite of his wishes. The Pesh-Imam has been the direct subordinate of the Khazi.

3. The learned Order was passed, presumably on the petitions(Vide Ex.M.P.I.Nos.2 & 3) and the question in which directly was, whether ~~Mahomed~~ Syed Abdul - Khalak should be appointed as Pesh Imam of the Mosque whether his appointment was necessary or whether the 1st Pesh Imam, the Khazi's nominee was enough to look after the Khazi's functions in the Mosque in the Khazi's absence. The petitioner respectfully submits, that he understood that the hearing kindly granted to him, was limited to the above, and he had no idea or reason to believe that the question, whether he had any right, legal or - customary, to appoint or dismiss a Pesh Imam or other subordinates of the Mosque, was at issue, and also, - whether his office of Khaziship was in question, as the present order effects that also in an indirect way

The petitioner respectfully submits that if he had thought the above points were at issue, he would have completely proved his case at the hearing, and that - there would have been no necessity of this Revision Petition.

4. But since the order is made and since it effects the office of the Khaziwat of the petitioner, and since he was under a bona fide mistake of fact as to - these questions at issue at the hearing kindly granted to him, he respectfully begs to submit the following - authorities now, favouring his claim, to the complete management of the Chitaldroog Juma Musjid:-

(a) in exhibit Z entitled "a short history of the case, p. 4 ," it is shown that the Mosque was - taken under Muzrai control, not very long ago; that previous to the transfer to Muzrai Department, it was built by the Sultan's orders and completed by the public and the sannad Ex.A. also was given to the petitioner's

petitioner's great-grand-father, long before this transfer; and that in fact the Mosque was handed over to the petitioner's said ancestor by about - 1814, by Foujdin Asharaf Ali Khan, after obtaining the necessary orders of His Highness on the matter (Vide Ex.Z. P./.),

(b) it is not clear how the transfer of - control to the Muzrai was effected, and even if assuming it was according to Section 3 of the - Mysore Muzrai Regulation No.VI of 1912, which the petitioner has reasons to believe, was not the - case,-as he and his fore-fathers have always been directly controlling the affairs of the Mosque and a great majority of the Muslim public has always been in their favour, with the exception of a very minor and discontented persons, forming a clique with the Pesh Imam, on personal grounds of ill-will, there is no direct provision in the above code for the direct management of Mosque and the anology of Maths and Pinjaris, does not, so the petitioner - humbly begs to submit, on all fours apply, to such institutions,

(c) even assuming that suhh an analogy does apply, the petitioner humbly submits that since - from more than three generations his ancestors - have been Khazis and managing the Mosques, his office according to Section 34, Chapter IV of the - Mysore Muzrai Manual 1919 has become hereditary,

(d) that the rights and duties of the Khazis mentioned at p.219 of the Mysore Muzrai Manual 1919 are not exhaustive and incomplete; and since

it

(ii) "You are granted the privilege of the duty of the Khazawat (looking after as Khazi) of Chitaldroog Kasaba, referred to above, and the Taluqa that are surrounding it,

Page 1. (iii) "you are to take their (Naib's) - statements and get them furnished &c."

Page 2. (iv) "that it is also your duty that you are to try and see by leading and otherwise that the congregation, both in the Namaz - of five times a day and in that of the Juma" &c.

Page 3. (v) "You yourself or through one of your Naibs, have to look after the said - Kasba of Chitaldroog,,,,,,,because the said Kasba particularly belongs personally to you

Page 3. (vi) "if any Naib out of your Naibs is not under your control, you have to petition about him and inform the same to the Adalat Kutcherry, so that he may be dealt with properly,

Page 3 (vii) "the Namaz of Juma and I'do you have to perform them, with the congregation of Muslims"

Page 3. (viii) "there are twelve Taluqs around Chitaldroog except the Kasaba of Chitaldroog itself. All the Naibs of these places are handed over to you to be under your control. You are to manage and administrate all these

technically

Give, the petitioner, in effect what is/known as the "Jaoliat" though in so many words it is not

technically

mentioned; and that also according to the tenor of the above document and rules of Mahomedan Law and practice, referred to in the previous para, - it could fairly be inferred, without doing any violent injustice to the language and straining of the words of the Sanad, that, though it is not mentioned in so many words that any special power of appointing or removing Muttawallis (Naibs) is given to the Khazi, yet, there is nothing in the document, which precludes him from doing so in proper cases, and in fact the whole tenor of the document is towards recognising such a right and the advisability of the Khazi exercising such powers, which are almost quite clearly granted to him. It is also to be pointed out ~~only~~ that the Khazi's right of leading progress, even in presence of Naibs (Pesh Imams) - and in spite of their wishes, if necessary, is expressly mentioned.

Further, the petitioner humbly begs to point out, with reference to the word "Beside" in "Besides the kasba of Chitaldroog there are twelve Taluqs - attached to the District of Chitaldroog and all the Naibs of these places have been placed under your - control", (Vide Ex.M, P.3) that it refers to the - Chitaldroog Taluq, and the term, "all the Naibs" includes the Naibs of Chitaldroog, if any, also in it and the sentence means, the twelve Naibs of other places, and this one -if any of Chitaldroog, are all under your control. It does not mean -so the petitioner humbly thinks- that the Kasaba of Chitaldroog is left out of the Khazi's control and that he has not been given the control and superintendence of Mosques. Such a meaning would be a strain on the express words of the Sanad, against its spirit and

and tenor (especially when it enjoins upon the Khazi the duty of leading the congregation in prayers) against Mahomedan Law and settled custom and practice.

(g) The petitioner very humbly begs - further to point out that in further support of his status and privileges of office, as Khazi, he has got a judicial decree of a - Civil Court confirmed on appeal by the Judicial Commissioner, (Vide Ex.B, XXIV P.8; Ex.Z.P.2 & 3) upholding petitioner's right, in the wording of the Court, "right of performing the duties of Cazee of Chitaldroog....." and/such as to hold charge of the Musjid at Chitaldroog for its legitimate purposes and to nominate or to remove the Pesh Imam of the said Musjid from his office when his conduct calls for such a measure under the sanction of the "Khuran".

(h) The petitioner humbly begs to state that it is not quite free from doubt if his civil status or office and its privileges could be the proper subject of an executive order; and that in the presence of a judicial adjudication on merits of a proper tribunal, not in any way altered or reversed by the highest judicial tribunal in the land, would not act as a bar or "res judicata" to proceedings of other kinds or the executive authority towards the same subject. A perusal, the petitioner humbly begs to point - out, of the civil decree mentioned above, Ex.B. will give a very clear and very correct notion of the petitioner's rights and privileges, of the

number

number Pesh Imams appointed and dismissed by - his ancestors of all the documents in his favor of his jurisdiction and powers &c.

(i) Previous orders on the subject: the petitioner humbly begs to submit, that a history of all the previous orders on the subject Vide Ex.Z, Pp.3 to 6; shows an almost continuous up-holding of his rights and privileges as Khazi. His privileges of superintendence and management have not been questioned, his right of leading prayers is not questioned, but only the dispute has been by a set clique in favour of the appointment of a particular gentleman as Pesh Imam.

Other Equitable Grounds.

(j) Finally the petitioner humbly submits that in the interests of equity and justice, - and to the fair management of the Musjid with - the least amount of friction and troubles it - would be best to appoint or recognise,

(i) the authority of one single person, complete, over the mosque and its affairs, and accountable only to strong public opinion or to the benign Government,

(ii) to place all other subordinate Mosque officials under the above authority with probably a right of appeal in grave - cases of miscarriage of justice, to be - very unwillingly admitted and

(iii) to avoid dual control

and the petitioner humbly submits that the order

order as now made gives rise to a dual control; if the Pesh Imam is not appointed by the petitioner, and if he is not made, petitioner's subordinate, there is every danger of his always questioning petitioner's authority in matters, in which the petitioner's right is not taken away, and such interference will always lead to disquiet, and will be a source of constant anxiety to the benign Government.

(h) In conclusion the petitioner humbly begs to submit that since

(i) he has never once misused or mismanaged his powers of superintendence and control of the Mosque,

(ii) there has been no complaint worth the name, about his qualifications &c. for the duties of his office

(iii) he and his ancestors have been using these rights from more than 100 years,

(iv) there can be found no better person to effectively and properly look after the mosque affairs as the petitioner has been doing from a long time,

(v) it will be an act of unmerited disgrace for him for his authority to be questioned and his powers curtailed, after his having used them for

for so long a time.

5. He has proved, beyond all possible doubt he thinks, his right and title, legal, customary - and equitable to his office, to its emoluments and to all it rights privileges and duties.

6. His Sir Khazishipand control over the other Naibs will be useless, without his right - prestige and authority in the chief Mosque of the district, the Chitaldroog Juma Mosque.

His rights over Naibs, Pesh-Imamb &c. may kindly be acceded to, and that so much of the order as - curtails the said well established privileges and - powers of the petitioner, may kindly be reversed, and the same upheld, and prays that the benign Government be pleased to pass corresponding immediate orders - thereon; and that the execution of the present - order may kindly be ordered to be stayed, till this petition is disposed of.

The petitioner subscribes himself, as

His Highness' Government's most obedient servant,

Syed Mohiyuddeen Hussaini

BANGALORE
28 Nov. 1922.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read:-(1) Government Order No 649-50/Muz 735-18-2 dated 21st August 1919 sanctioning the appointment of Syed Mohiyeddin Hussain Badsha Saint Khazi of Chitaldroug Town, as Sir Khazi of Chitaldroug District, in succession to his father, and permitting him to appoint, subject to the approval of the Deputy Commissioner, a qualified person to discharge the Khazi's duties at the Masjid [illegible] during his absence from Headquarters

[illegible] no 1660 dated 14th February 1920 from certain members of Chitaldroug Town, [illegible] a Pesh Imam in the Mosque of Chitaldroug,

(3) Petition dated both [illegible] from certain inhabitants of Chitaldroug Town stating that the Pesh Imam appointed by the Sir Khazi is quite enough to meet their needs and that the appointment of an additional Pesh Imam is unnecessary.

(4) Correspondence ending with letter no C.C. 583 of 19-20 dated 6th Sep20 from the Deputy Commissioner Chitaldroug District, submitting a report in the matter.

Order-no 1521-3
Muz 517-19-21

Dated Bangalore 15th October 1923.

The Mosque at Chitaldroug is an old [illegible] and [illegible] neither of the contending parties (the Sir Khazi and the Pesh Imam) has any personal hereditary interest in the [illegible]. The Sir Khazi of Chitaldroug District has been, by virtue of his office, [illegible] of the mosque, but his management not having been entirely satisfactory, complaints have been made against him and Govt. have also had to interfere on several occasions to set matters right. The question of the appointment of a Pesh Imam to the mosque is an old dispute which has

has not been satisfactorily solved on account of which there was considerable feeling against the Sir Khazi owing to difference between the then Sir Khazi and the Pesh Imam, the appointment of a separate Pesh Imam was done away with in 1905. The present Sir Khazi of the District who was then the Town Khazi, was looking after the duties of Pesh Imam, but the adherent of the thrown out Pesh Imam never ceased agitating for his reinstatement. But so long as the duties of the Khazi were confined to the town of Chitaldroug there was no serious inconvenience caused to the mohamadan public, and the agitation in favour of the displaced Pesh Imam did not gain favour with the general public. But in 1919 the then Sir Khazi having retired from office on account of old age, his eldest son who was looking after the duties of the Town Khazi was appointed the Sir Khazi of the District, and this necessitated the appointment of a separate Pesh Imam, as the duties of the former are of a touring nature, and he cannot be expected to be present in the mosque five times a day to lead the prayers. Government in their order no 649-50/Muz 735-18-2 dated 21st August 1919 allowed the Sir Khazi to appoint a Pesh Imam, subject to the approval of the Deputy Commissioner, and the Sir Khazi chose to the office his younger brother who is stated to be an official in the Excise Office, Chitaldroug. It is not known what the educational qualifications of this man are, but it is said [illegible] to attend the mosque regularly five times a day at the stated hours of prayers, two of which at least fall within [illegible]. The people seem to have [illegible] the old agitation in favour of the thrown out Pesh Imam has been revived.

(2) The order of the Government which [illegible] as recognising the right of [illegible] to [illegible] based upon the recommendation of the Deputy [illegible]

ich unfortunely proceeds upon a wrong interpretation of the terms of the Sannad granted to one of the ancesters of the Khazi in May 1814 by the Adalt Cutchery. The Sannad is written in the Persian Language, and naturally there has been some mistake in understanding the precise scope of its terms. The Deputy Commissioner [illegible] of the Sannad the Kasba of Chitaldroug belongs exclusively to the said Khazi and that its affairs may be managed by him personally or by [illegible] are to be deputed by him". This is not [illegible] of the Sannad. The Sannad enjoins upon the Khazi the duty to watch over the religious practices and observances [illegible] the education of the mohamadan youths and the spiritual welfare of the people and to appoint Naibs, or assistant, generally throughout the Districts for the correct [illegible] Zibha! The passage in the Deputy Commissioner literally translated runs as follows:-

(5) Besides the Kasba of Chitaldroug [illegible] attached to the Mosques [illegible] places have been placed under your control. It is clear from the language of the Sanad that the Khazi has no [illegible] and superintendence of Mosques. Indeed such powers could not have been invested in him, as, under the Mohamedan law the [illegible] authority to manage the affairs of the mosque, to which [illegible] appointed. The duties of the Khazi have been correctly laid down in the Mazroi and [illegible] one of them. If it was intended in the Sannad to give, what is technically called the "Tauliat" to the [illegible] specially mentioned in the Sanad would [illegible] such special authority conferred upon him the [illegible] Mutnavallis to mosques and the practice in this [illegible] for the Government themselves to make [illegible].

Government Institutions at Mysore and Seringapatam. The government Order of 1[illegible] will therefore be notified to the Mogul that the Deputy Commissioner in the Muzrai Department alone will appoint the Posh Imam of the Chitaldroug Mosque. Of Course with the consult the Khazi and other respectable muslim inhabitants before making selection, but it is not necessary that the Khazi should join in the [illegible] to make the nomination.

(4) As regards the urgent incumbent of the office of the Posh Imam the Deputy Commissioner may confirm him in his appointment if he reads the Koran and is otherwise fit to discharge the duties of his office. If he is not to be confirmed the Deputy Commissioner may appoint a man, preferably an outsider, who may be acceptable to a great majority of the people of Chitaldroug though not to both the parties. The Deputy Commissioner may fix [illegible] for the Posh Imam out of the income of the Mosque. The duty of the Posh Imam or Sir Khazi is for the duties of Sir Khazi-shit and he is not bound to contribute anything toward the expence of the Mosque including the pay of the Posh Imam or Mouzzin.

(5) As regards Syed Mohiyoddin Boozlullah for Posh Imamship have been urged by a section of mohamedans, it may be stated that he has failed to establish the heriditary right to the office. The Govt. had every authority to dispence with his services as they did in 1865 and in fact no other course was open to them after the [illegible] of the case. The proposal of the Deputy Commissioner to appoint him as a doram' or seemed Posh Imam does not command itself to Government.

Secretary to Government,

Revenue Department.

From the Adalat Cutcherry of the Mysore Sircar

Dated Hijre No.1222

Ex.A.

Order from the Adalat Cutcherry of the Samasthan of Mysore Province.

To

Syed Mahomed Hussainy who is the khazi of the Kasaba of Chitaldroog, and who is the Sir - Khazi of the Chitaldroog Division.

Considering that you are come from a family of respectability and honourable position, you are granted the privilege of the duty of the Khazawat (looking after as Khazi) of Chitaldroog Kasba, referred to above and the Taluqs that are surrounding it, which are described in detail below.

You are to diligently watch and to see to the - working of the duties of the Sheriat in the said places and are to see that the duties of religion are performed properly.

And, if either any from your Naibs (nominees to offices of subordinate position) or any one else from the group of religious and pious persons in the said divisions, does anything against the sacred Law of - Sheriat, you are to see that they do not do so, and if any such still persist in doing such things, you are to take their statements and get them punished, - changed or transferred by the said Adalat Cutcherry,

And you are to question about the duties of religion to every Naib (religious subordinate) so that he may be properly versed in and understand the religious

religious duties that appertain to his office; and the questions ought particularly to be more and greater towards the Nikah Ceremony (marriage tie) and Zibah (the religious ceremony of taking away life of animals for food)

Because the Naibs have mostly to do these strings and if the Naibs are not careful about these things, - there is a great danger of the marriage becoming illegal and irreligious, and the Zibah becoming irreligious to be eaten,

And this also it is your duty that you are to try and see by leading and otherwise that the congregation, both in the Namaz of the five times a day, and in that - or the Juma (Friday prayer and sermons) is improved and made permanent; And you have to enforce upon the minds of the Naibs that they have to try their best and see, that the children of Mahomedans are taught Islam - and its tenets properly, and that they learn reading and writing and you have also to note and see that they properly perform the religious functions of the prayers of Jamazab (coffin) and the ceremonies of washing and burying the dead, or not. And if you find that the Naibs do not do this work properly you have to see that they are corrected and do the work rightly.

You, yourself or through one of your Naibs, have to look after the said Kasaba of Chitaldroog and its surroundings, Because the said Kasaba particularly belongs personally to you. You have to keep account of (take the census of) the Mahomedan population, with - you of the said Kasaba, its surroundings and ~~xxxxxx~~ - suburbs, and send us also a copy. And, any disputes - that may crop up, in the Mahomedan population of these places and whatever fees or customary money, that is -

due from them, and-anything that except this is difficult and hard,- you have to send it to the said Adalat Cutcherry. If any Naib, out of your Naibs is not under your control, you have to petition about him and inform the same to the Adalat Cutcherry, so that he may be - dealt with properly. The Namaz of Juma and I'do (weekly and yearly ~~festivities and~~ prayers) you have to perform them, with the congregation of Muslims. You have also to perform or get performed Bismullah Khwani (the ceremony of initiating children into reading and writing) Ziba and Nikha and in the proper way. There are twelve Taluqs around - Chitaldroog, except the Kasaba of Chitaldroog itself. All the Naibs of these places are handed over to you to be under your control. You are to manage and administrate all these. Twice in a year, you have to send to the said Adalat Cutcherry, a detailed account of the above works of the Sacred Shariat of the said places.

Syed Ibrahim Hussain

Judicial Assistant Superintendant's Court.

31st March 1870.

Before J. Ramiah Naidu.

Judicial Assistant Superintendant Ca. No.5 of 1870.

Plaintiff. Dependent.

Syed Sibgatulla Syed Mohaddeen

Chitaldrug.

by Vakil Srenivasa Rao Chitaldrug Both parties appeared and heard.

Judgement.

Suit for a declaration ~~en~~ any Decree to establish the right of a Cazee to be appointed to the District of Chitaldrug, and to nominate and remove from Office the Paish Imam for the said Mosjid

(2) Admits the right of the plaintiff as Cazee of Chitaldrug and Sir Cazee of the talooks in the District, under the Mussulmanah and Sanneds held by him and admits that he plaintiff is competent to perform or cause to be performed the religious rights, and ceremonies, in confirmity with the precept of Sharaw" or Khuran and that he (Defendent) is prepared to abide by any instructions, which the plaintiff as Cazee may choose to issue under the rulings of Sharow" that the plaintiff is entitled to superintend or cause to be superintended the mosque at Chitaldrug that he will continue to act as Paish Imam, as hitherto, and that the plaintiff is entitled to control over him, or to nominate or remove him from the office of Paish Imam, when such a measure becomes the sanction of Sharaw.

(3) The Plaintiff to establish his suit produces the following documents.

(a) Cowlanee Nurnad signed by His Highness the Maharajah of Mysore dated the 11th April 1814., appointing Mohiddeen Saheb (grand father of the plaintiff) as Cazee of the Chitaldrug Division

salary of 10 Pagodas per month.

(b) Orders from His Highness the Maharajah of Mysore to all the Amildars of the 15 taluks in Chitaldrug Division dated the 20th April 1841, announcing the appointment of Mohammad Hussain Sahib Cutcherry of Chitaldrug, and chief Amildar of all the Taluks, thus requiring them to warn the inhabitants to place themselves at the disposal of the Circar in religious matters.

(c) Orders from the Huzoor Adalat Cutcherry of the Mysore Government dated the 1st May 1841 defining the ratio of Cutcherry Circar.

(d) Orders from the acting Judicial Commissioner dated 24th March 1842 to the Plaintiff Syed Sibgatoolah Hussain Sahib to succeed his father in both the offices for the Division of Chitaldrug and to place himself at the disposal of the Government fixing his salary at 10 Pagodas per month.

(e) Endorsement from the Chief Commissioner of Mysore dated the 29th March 1842 forwarding Plaintiff to be chief of the Cutcherry.

(f) Field Order from the Inam Commissioner dated 5th April 1842 granting Rowly Money Inam of Rs. 1,272-6-6 to the Plaintiff as Circar Vakeel of the Chitaldrug District for his time being.

(g) Endorsement from the Acting Sudder Sheristadar dated 3rd July 1842 acting the rights of Plaintiff's Syed Ratool to superintend the Mosque at Chitaldrug.

(h) Reply from the Plaintiff's Syed father to the effect that he found it necessary to withdraw from his office for which viz to Endorsement from Major Dobbs forwarding a petition from the Inhabitants complaining of the dismissal of the defendant by Plaintiff's Syed father dated 17th October 1841.

(i) Endorsement from Major Porter Superintendent dated 24th April 1843 forwarding to the Plaintiff's Syed father a petition from the villagers of Chikmagalli to appoint a proper Cazee for that village

(j) Petition from one Siddakalla to Major Dobbs complaining of his removal from the office of Cazee of Chitaldrug ordered by Syed

Khazi Plaintiff's grand father dated 1st January 1860.

(k) Petition from one Siddakolly to obtain true copy inter alia of the appointment of the Defendant by the Plaintiff Grand father dated 26th July 1860.

(l) Endorsement from Major Bruce, Deputy Superintendent of Tuckur dated 10th December 1867 relating to the case of Nagoor Ibrahim recommended by Plaintiff's Counsel.

(m) Receipt from Defendant for Rs 1 paid by Plaintiff's grand father as Court Fee for the above-mentioned petition for copy of the Kabala in Tamil character.

(n) Receipt from Deputy Collector for Rs 1 paid by Plaintiff for copy of the Kabala in Malabar character.

(o) Petition to the Plaintiff for Rs 1/- mentioned in Plaintiff's own handwriting.

(p) Petition to the Plaintiff for Rs 1/- mentioned in Plaintiff's own handwriting.

(q) Petition from one [illegible] to the Plaintiff for Rs 1 mentioned in the handwriting of Mr. [illegible]

(r) [illegible] the receipt of which he begs to acknowledge in the amount to be credited to the Plaintiff's account subordinate to his decree.

(s) Endorsement from the Deputy Superintendent of Calicut dated 26th December 1867 referring Plaintiff to a civil Court for the establishment of his rights to Wakf.

(t) Letter from the Chief Secretary to Government to Deputy Superintendent of Calicut dated 2nd December 1868 referring Plaintiff to Civil Courts to establish his rights to Wakf.

The subject matter of the present litigation Document of Title Nagoor Ibrahim Settlement of the Mayor Property to Nagoor Ibrahim (Grandfather of the Plaintiff) Deed of Gift in favour of the Charitable Institution dated 1st January 1868.

(1) From consideration of the honorable position and the good hi-lity of your ancestors you are described Sir Cazee of Chitoldrug and its Taluks and your duties and powers are here under described.

(2) You are always to carry out the precepts of Shara" (Kur'an) according to religious customs in the above said place and to keep yourself informed how matters are going on.

(3) If any of the Sabbaths and Eids are not comunit breach of religious dities you are to remove them from their posts. If any of the Muhamans in the division act against the Shara (Shara) religious previleges you are to rectify them if they are not conclusive to you, you are to submit a detailed statement of things to the Nizam that justice may accordingly be done to them (or as his).

(4) You are to question the Mir Abdus Subhan Qazi or provisions of Shara" and Fatwa Ahakham Ahakhan, Akhan, Nikahs, and Jubbas hani.

(5) You are to be very strict in settling the disputes of the subjects and if they are deficient the case of Nikah and Jubbas and in the case of the

(6) It is due to you to encourage the people to attend to the Namaz of the 5 times and also to the Namaz of Friday you are to be deligent and active in seeing that the children of the Casba are instructed to read and write and in the religious objects

(7) You are to perform or to cause to be performed upon the religious ceremonies for the dead of all the and the

(8) You are to offer [illegible] which the religious [illegible] to the Casba and its villages. The [illegible] is to be under your immediate inspection.

(9) You are to see on account of the [illegible] Casba and in the villages of Chitaldrug Taluk and by fees [illegible] for religious differences amongst the Muhamans, you are to settle

to the Huzur, you will also submit to the Huzur Adalt Cutcherry such other cases which cannot dispossede of by you.

(10) When any of your Meibs fail to conform to your instructions due notice will be taken of their conduct if you report them to the Adalat Cutcherry.

11) You are to conduct for the Mussulmans, the Jumaa Mosque and Idgah Namaz annually performed out side of the Town, you are to be most particular in the [illegible] for the regulation of this Jumah & Idgah.

(12) There are altogether seventeen Chowls which will be under Chitlurus. In the case of any Chowl being found in your jurisdiction, you shall have full control over the [illegible] receiving the rents and disposing of the Chowl lands.

(13) The Chowls in the Choultry are:-

1) Chowldrug Chowl

(2) Anajee

(3) Tollock

(4) Hosdrou

(5) Hall Cherry

(6) Devanpore

(7) Moolkalmoorie

(8) Dodarg

(9) ~~Annochivi~~ Kan Kuppa

(10) Hiriyur

(11) Anjihon

(12) Mottoor

(13) Bilgoli.

(a) The Plaintiff asserts that Ibrahim Ibrahim has acted as Patch Imam in the Eidgah from [illegible] to [illegible] by his Grand Father and himself viz.

e o adeen Saheb Deft..... .. 1830 to 1832

(3) Mohamad Hussain Saheb..... ... ..1835 to 1841

(4&5) Mohamadally & his brother Mader Saheb....1842 to 1845

(6) Gows Saheb..... ....1848 to 850

(7) Syed Dastagir..... ....1851 to 1853

(8) Syed Mohaiadoin Saheb Deft..... ..1853 to 1855

6) Diff r nc appear to have h l
as Cazee and Defendant at th h from in November 1806, and hence the cause of action.

(7) In the opening of the c the parties entered into prolonged and promiscuous agreements in the tone of disconsolation, and displayed no short of anxiety and latterly the Defendant probably wisely for his own sake yeilded to the force of Justice which he mistakenly attempted to resist, and formally by his letter in plain terms the right of the plaintiff as Cazee, his right to reinstate and remove him from his office of Peish Imam, and to superintend the Masjid provided his instructions and actions conform to the course prescribed by their Holy Kuran.

(8) The suitable defence of the defendant case may with necessity of saying much for either of the parties, for the plaintiff accordingly asks for a decree without examination of his suit

(9) However I feel bound to state from the clearer facts which I have been able to gather both from the arguements of the parties and from the personal documents filed in the suit with a view that the parties to see more clearly the position they hold.

(10) The Muselman population of the town of Ilkal is apparently divided into 2 portions each being headed by one of the parties of this suit.

u [illegible] ob[illegible]ct [illegible] not

standing ~~aproof~~ aloof one party from the other, [illegible] the [illegible] vi[illegible] [illegible]

perquisits from their subject [illegible] left [illegible] for that [illegible]

union was followed, the [illegible]

all reach the pocket of [illegible]

earnest.

(4) However the ca[illegible]

[illegible] olv[illegible]

(5) [illegible] ~~appl[illegible]~~ may look [illegible]

begin [illegible] civil court, [illegible]

th[illegible] rti [illegible]

their, [illegible]

[illegible]

[illegible]

[illegible] ml .

(6) [illegible]

refer[illegible] mi[illegible]

their [illegible]

[illegible] coul[illegible]

their cu[illegible].

(8) The [illegible]

documents [illegible].C.D. ,[illegible] erci[illegible]

[illegible] . . . . . . ,i [illegible]

[illegible] .

(7) [illegible]

[illegible] r

i[illegible] .

(9) [illegible]

[illegible] are intended to [illegible] ~~ents~~ [illegible]

l gious and legitimate purpose.

(19) From the terms of the numerous documents filed by the plaintiff as a paid religious servant of the Sharbat Khan Mahbubia defendant of the asserted right of the plaintiff and from the relative positions of the parties I am led to believe that the plaintiff has greater claims than the defendant to [illegible] up in the pleadings.

(20) I therefore feel justified to declare that the plaintiff for the time being, as so long as his appointment [illegible] stand good, has the right of performing the duties of Qazee of Chitaldroog and Sir Qazee of the Chitaldroog [illegible] of the mosjid at Chitaldroog for its legitimate purposes and to remain to officiate in the said [illegible] when his conduct calls for such a measure under the direction of the Khuran".

(21) Each party to bear his own cost, as both the [illegible] to have succeeded [illegible] their respective titles.

(sd) J. Rinch

Principal Asst to Commissioner

Chitaldroog.

True Copy

Abdul Khader

Officers, Judicial [illegible] Office.

Syed Ibrahim Hussain

A SHORT HISTORY OF THE CASE.

1. The Chitaldroog Mosque in question was partly built by the Sultan-e-Shaheed's (Tippu Sultan's) order a long time ago, probably in the latter part of the 18th Century.

2. It was incomplete, and owing to the change in the Dynasty, the Government of the Commissioner after - the above, utilised the structure as a prison.

3. Then, afterwards, Syed Mohamed Hussainy, the great-grand-father of the present petitioner (Syed Mohi-uddin Hussainy) came to Chitaldroog about the year 1814 from Mysore and he wrote to Foujdar Ashraf Ali Khan - Saheb of the regiment stationed at Chitaldroog and in - whose charge the prison-mosque was, to hand over the - Mosque to the petitioner, for the purpose of prayers to Muslims of the place, who had no Mosque to offer their prayers in.

4. The Foujdar Saheb on the above wrote to His Highness, for permission for the above and it being - granted, he handed over the Mosque to the said ancestor of the petitioner.

5. Then a Sannad, dated about 1814 was granted to the said ancestor of the petitioner, giving him - powers of management and superintendence &c. (Ex.A. a translated copy of which is herewith produced) and all other orders and sanads similarly granted empowering him to appoint or remove pesh Imams, and giving him - general authorities of administration over the Mosque and other affairs, are embodied in the Civil Courts - decree. Ex.B. a copy of which is herewith produced.

6. That after that he and with the help of the Muslims of the place, completed the Mosque and greatly improved it, making it look like a Musjid; and from - then onwards it was actually used as a Musjid. No other Musjid in the place was in existence at that time.

7. That after the death of the said great-grand-father of the petitioner, the grand-father of the petitioner being dead, the father of the petitioner Syed - Sibbutulla Hussainy, was appointed Sir Khazi in his place in about the year 1869.

8. It was only in the petitioner's father's time that the Naib now called Pesh Imam by name Syed Mohadin who was appointed by petitioner's great-grand-father, - began to question the authority of the Sir Khazi to appoint or dismiss Naib or Pesh Imam, on which was filed a suit and a decree (Ex.B) was passed upholding the authority of the Khazi to appoint or dismiss the Naibs or Pesh Imams.

9. On this decree the Naibs appealed and his - appeal petition was dismissed by the Judicial Chief - Commissioner Mr.Bowring who thus confirmed and upheld the power of the Sir Khazi to appoint or dismiss the - Naib or Pesh Imam in civil order No.812 of 1890, May 21. Thus, His power of the Sir Khazi has been judicially - recognised and upheld and no executive order against can alter or reverse the same.

10. A number of Naibs or Pesh Imams were then appointed or dismissed at will by the Khazi, as could be seen in Ex.B.

11. There have always been petitions, by the very minor and insignificant-aggrieved party, due not to any genuine and legitimate grievance, but out of personal ill

ill-will and spite, to harass and trouble the Khazi always and particularly with the advent of a new executive officers to the District.

12. A list of such petitions and orders of the consecutive Deputy Commissioners

(a) one such a petition to Mr.Krishna Rao (father of the present 1st Member of Council) then then Deputy Commissioner; he directed that the matter was one of Civil rights and parties could go to Civil Courts, which order was also confirmed by the Chief Commissioner in his order dated 18th Jan.1891. On which, parties went to Civil Court, and decree Ex.B. was the result which is final,

(b) on such a petition again to Mr. Abdul Khader, Deputy Commissioner, in 1870; he ordered that the Khazi could take the help of the Magistrate to exercise his powers over the Pesh Imam, if there was any danger to the peace by the Khazi exercising his powers,

(c) on such a petition again to Mr.Mohamed Ali in 1883, August 1, he did his best to effect a compromise, and did effect a compromise, stipulating that the Pesh Imam, should always be a subordinate of the Khazi and could be removed for Misbehaviour &c. by Khazi, and so on,

(d) On such a petition again to Mr.Srinivasa Iyengar about the year 1894, the Government were pleased to order as in No.1026/Muz.F.100-93 dated March 1896, The Pesh Imam dispute of Chitaldroog Mosque was over, and petitioner was appointed Town Khazi, and his father continued to be Sir Khazi.

(e) It is probably at about this date that the Chitaldroog Mosque was taken over to Muzrai control, but it is doubtful if a great majority of the Muslim population consented to such management or if there is any record showing such approval,

(f) On such a petition again to Mr.Nana Rao, the then Deputy Commissioner, about the year 1900, he also tried to bring about a compromise, and succeeded to the extent ~~(s)~~ that the Pesh Imam Abdul Khalak (the present claimant to the office) was to be under the Town Khazi for the period of one year and liable to/dismissed for bad conduct any time

(g) after the above, in Mr.Ramanujam Iyengar's time, about the year 1902, it was ordered in ~~his~~ - order No.3426/Muz.F.100-43 dated 16-3-1900 (Ex.h) tha the Town Khazi was enough and the Pesh Imam was unnecessary

(h) on such a petition again to Mr.Chengiah Chetty the then Deputy Commissioner about the year 1908 it was ordered, Vide Government Proceedings - No.1202/Muz.F.81-04 dated 10-3-1909 that the Pesh - Imam was unnecessary,

(i) on such a petition again to the Muzrai - Superintendent Mr.Subramanyam Iyer (the present - Inspector General of Police) about the year 1909, who held an elaborate enquiry, after stopping for three days, and found, that after voting, a large majority was in favour of the khazi and consequently it was thought unnecessary to appoint or retain the Pesh Imam,

(j) On such a petition again to His Highness about the year 1910, and it being forwarded to the then Deputy Commissioner Mr.Balasundram Iyer it was again ordered after enquiry that the Pesh Imam was unnecessary (G.O.No.2335/Muz.607-12-11 dated 30-3-16,

(k) after the above the Government were - pleased to order in order No.649-50/Muz.735-18-2 dated Bangalore 21st August 1919, that the present petitioner is appointed Sir Khazi, and is permitted to appoint, during his absence from Chitaldroog, a qualified person to look after the duties of - the Musjid with approval of the Deputy Commissioner

(l) on such a petition again to Mr.Venkata Rao, the then Deputy Commissioner, about the year 1919, he again was enquiring into the case and when he was on leave in the middle, Mr.Taj Peeran, the - present Deputy Commissioner, was pleased to recommend about 21-5-20 that the applicant Pesh Imam, - Syed Abdul Khalak may be appointed second Pesh - Imam, on this again, the permanent Deputy Commissioner returning from leave was pleased to recommend that no such second Pesh Imam was necessary. Reference S.C.No.392 of 19-20 dated 6-9-20,

(m) Finally, on such a petition again, the Government were pleased to order in their order No.1521-3/Muz.517-19-21 dated Bangalore 13-10-22 (Ex M) that the Pesh Imam, Abdul Khalak, showing no hereditary rights to his office, he is not to be appointed Pesh Imam. The order also directs that the Deputy Commissioner (Ex.M) may appoint a fresh Pesh - Imam; ignoring the right of the Sir Khaji to appoint or dismiss a Pesh Imam.

The petitioner is willing to produce if required Orginals ~~originals~~ or copies of all the exhibits referred to and which are in his possession.

Syed Ibn Siddeen Hussain

Petn No. 450

1.12.22

GEN. & REV. SECRETARIAT
1214
MUZRAI

22-23

2/12/22

written compln

S/I
2/12

BEFORE THE GOVERNMENT OF H.H. THE MAHARAJA OF MYSORE

Mus. Petition No. of 1932-1933.

Sir Khazi Syed Mohiyuddin Hussainy Badsha Saheb, Khazi of Chitaldroog. ... Petitioner.

With reference to their Kind order No.1571-5/Muz. 517-19-21, dated Bangalore, 13th October 1932, the petitioner abovenamed very humbly begs to submit, that in view of the circumstances and facts, stated below, which due to a number of reasons also are mentioned hereunder, could not be placed for consideration before the Benign Government, at the time of their passing the order above referred to, the Government be learned to review the same, as under:-

1. The Kind order (...M) takes away the long established and long-existing legal and customary right of the Khazi, to appoint a Khatib and each Imam or any other subordinate office ... the Chitaldroog Musjid.

2. The learned order is not clear ... Khazi of the District, ... at the Chitaldroog Jumma ... the Deputy Commissioner ... if he objects him to do so. It may ... pointed out at this stage, that ... till now, has been, that the Khazi ... the congregation whether in the presence of ... Imam or even in spite of his ... has been the direct subordinate ...

3. The learned order was passed, presumably on [illegible] (Vide Ex.M.P.1,Nos.2 & 3) and the question [illegible] whether ~~Mahomed~~ Syed Abdul - [illegible] Peish Imam of the Mosque [illegible] his confirmement was necessary or-whether-the [illegible] the Khazi's nominee was enough to look [illegible] Peish's functions in the Mosque in the Khazi' [illegible]. The petitioner respectfully submits, that he [illegible] that the Board, kindly granted to him, was limit [illegible], [illegible] person to believ [illegible] section, whether he had any right legal or - [illegible], [illegible] Peish Imam or other [illegible] of the Mosque, [illegible], and also, [illegible] worship as a section, as the [illegible] indirect way.

The petitioner most humbly submits that if he ha[illegible] above points at issue, he would have [illegible] at the Board in , and that - [illegible] no necessity of this Revision Pe[illegible]

4. But since the order is made and since it ef[illegible] of the Khatwat of the petitioner, and [illegible] mistake of fact as to - [illegible] the Board kindly granted [illegible], he respectfully begs to state the following - [illegible], is the complete [illegible] in the Jumma Masjid:-

(a) in ex.P.1 & 2 entitled "a short history [illegible], p.4 , it is shown that the Mosque was - [illegible] control, not very long ago; that [illegible] to the Muzrai Department, it was [illegible] the Staff & Officers and completed by the pu[illegible] also was given to the peti-

-tioner's

petitioner's great-grand-father, [illegible] transfer; and that in f[illegible]t the [illegible] came to the petitioner's [illegible] 1914, by Foujdar Ashraf Ali [illegible] the necessary orders of His H[illegible] (Vide Ex. [illegible]).

(b) It is not [illegible] control to the Muzrai [illegible] assuming it was [illegible] Mysore Muzrai Regulation Act [illegible] 5, [illegible] petitioner [illegible] reason [illegible] case, -as he and his [illegible] directly controlling [illegible] greater portion of the [illegible] been in [illegible] [illegible]

(c) [illegible]

(d) [illegible]

it is not shown there, that they are derived from Mahomedan Law and are authoritative, and also are limited to the extent mentioned - herein, they are not binding. Even assuming that they are, the petitioner respectfully begs to submit, that on the same page (Mysore Law Journal 1919, page 219) under (iii) "The Courts deal with religious question when doubts arise regarding them,"

the he has a right to say whether a particular person Imam or Mouzzin, is religiously fit to do his work or not and consequently, if found unfit, to dismiss him and replace the - fittest person,

(e) the petitioner further humbly begs to submit, the following powers of the Khazi are - expressly recognised and mentioned in Mr. Syed Ameer Ali's Mahomedan Law, Vol.1, dated 1892, - (copy to be found in the Bangalore Law Association:-

	Power
351.	May remove a Muttawalli who is a slave or "Zimmi"
366, 367, 368.	May remove a Muttawalli for breach of trust, misfeasance and the - like causes.
	May appoint a substitute, when the Muttawalli is under a temporary - disqualification,
34.	Sanction of Khazi, when necessary - for the appointment of a Muttawalli,
367	Sanction of Khazi necessary to enable a Muttawalli to retire from his office,
379, 381.	May authorise a longer lease, than - that provided for by the Wakif,

Page.	Power.
373.	May sanction the mortgage of wakf property or a charge on it,
373, 375	May sanction a debt for the repairs of wakf property,
372,	Has power to fix and increase the allowances of the Muttawalli and other servant of the wakf,
386.	Cannot be deprived of his power of interference in the management of wakf.

Hence the petitioner respectfully begs to submit that the view that theMuttawalli alone is invested with the authority to manage the affairs of Mosques, under - Mahomedan Law, and the Khazi cannot interfere and that his duties are distinct as expressed in the learned - Order Ex.H.page 3, is erroneous and incorrect.

(f) since the learned order, deals with the Sanad, a translated copy of which (to the best of the petitioner's ability to get the most correct - translation) Ex.A. is herewith attached and with reference to the contention that the "Daftar", - could not have been given to the petitioner, as no such word or fact occurs in the Sanad, Ex.A. and - that it does not also confer any special authority of appointing Muttawallis to Mosque (Vide Ex.H. p. 3), the petitioner, very humbly and respectfully - begs to point out, that the following words - from the sanad Ex.A, viz.,

Ex.A.P.4:-

(i) "Syed Mahomed Hussainy, be the Khazi of the Kasaba of Sri Hari[illegible]

(ii) "You are granted the privilege of the duty of the Khazavat (looking after ~~of~~ Chapi) of Chitaldroog Kasaba, referred to etc above, and the Taluqa that are surrounding it.

Page 1 (iii) "you are to take their (Naib's) - statements and get them ~~herewith~~ signed &c."

Page 2. (iv) "that it is also your duty that you are to try ~~to~~ one by leading and otherwise what the congregation, both in the Namaz - of five times daily and in case of the Juma" &c.

Page 3. (v) "You yourself or through one of your Naibs, have to look after the said - Kasba of Chitaldroog,,,,,,because the said Kasba particularly belongs personally to you",

Page 3. (vi) "If any Naib out of your Naibs is not under your control, you have to petition about him and inform the same to the Adalat Kutchorry, so that he may be dealt with properly,

Page 3 (vii) "the Namaz of Juma and I'd you have to perform them with the congregation of Muslims"

Page 3. (viii) "there are twelve Taluqs around Chitaldroog except the Kasaba of Chitaldroog itself. All the Naibs of these places are handed over to you to be under your control. You are to manage and administrate all these

technically
Give the petitioner, in effect what is/known as the " Jaukat "though in so many words it is not

technically

mentioned; and that also according to the tenor of the above document and rules of Mahomedan Law and practice, referred to in the previous para, - it could fairly be inferred, without doing any violent injustice to the language and straining of the words of the Sanad. that, though it is not mentioned in so many words that any special power of appointing or removing Muttawallis (Naibs) is given to the Khazi, yet, there is nothing in the document, which precludes him from doing so in proper cases, and in fact the whole tenor of the document is towards recognising such a right and the advisability of the Khazi exercising such powers, which are almost quite clearly granted to him. It is also to be pointed out ~~only~~ that the Khazi's right of leading ~~progress~~ Prayers, even in presence of Naibs (Pesh Imams) - and in spite of their wishes, if necessary, is expressly mentioned.

Further, the petitioner humbly begs to point out, with reference to the word "Beside" in "Besides the kasba of Chitaldroog there are twelve Taluqs - attached to the District of Chitaldroog and all the Naibs of these places have been placed under your - control", (Vide Ex.M, P.3) that it refers to the - Chitaldroog Taluq, and the term, "all the Naibs" includes the Naibs of Chitaldroog, if any, also in it and the sentence means, the twelve Naibs of other places, and this one -if any of Chitaldroog, are all under your control. It does not mean -so the petitioner humbly thinks- that the Kasaba of Chitaldroog is left out of the Khazi's control and that he has not been given the control and superintendence of Mosques. Such a meaning would be a strain on the

and terror (respect) by [illegible] enjoining upon the Khazi the duty, [illegible] the congrega- [illegible] against [illegible] Law and [illegible] custom [illegible] practice.

(6) The petitioner very humbly begs to point out that in further support of [illegible] privileges of office, as Khazi, [illegible] of a judicial decree of a Civil Court constituted [illegible] by the Judicial Commissioner, (Vide Ex.B, P 8; Ex Z P 2 & 3) upholding petitioner's rights, in accordance with the Court, [illegible] of performing the duties of Cheroor Chittaroor [illegible] as well as to hold charge of the Busjid at Chittaroor for its religious purposes [illegible] to maintain or to remove [illegible] Khazi from his office [illegible] will [illegible] such measure [illegible] the "Kuran"

(7) The petitioner humbly begs to [illegible] [illegible] [illegible] would be the [illegible] executive order; [illegible] judicial judication [illegible] tribunal, not in any way [illegible], or any remedy [illegible] highest judicial tribunal [illegible], could not act [illegible] or "res judicata" to proceedings of other kinds or the executive authority towards the same subject Apropos the petitioner humbly begs to point - out, that the civil decree mentioned above, Ex.B. will give a very clear and very correct notion of the petitioner's rights and privileges, of the

number Pesh Imams appointed and dismissed by - his ancestors of all the documents in his favour of his jurisdiction and powers &..

(i) Previous orders on the subject: the petitioner humbly begs to submit, that a history of all the previous orders on the subject Vide Ex.4, rp.5 to 6; shows an almost continuous up-holding of his rights and privileges as Khazi. His privileges of superintendence and management have not been questioned, his right of leading prayers is not questioned, but only the dispute has been by a set clique in favour of the appointment of a particular gentleman as Pesh Imam.

Other Equitable Grounds.

(j) Finally the petitioner humbly submits that in the interests of equity and justice, - and to the fair management of the Musjid with - the least amount of friction and troubles it - would be best to appoint or recognise,

(i) the authority of one single person, complete, over the mosque and its affair, and accountable only to strong public opinion or to the Foreign Government,

(ii) to place all other subordinate Mosque officials under the above authority with probably a right of appeal in grave - cases of miscarriage of justice, to be - very unwillingly admitted and

(iii) to avoid dual control

and the petitioner humbly submits that the

order as now made gives rise to a dual control; if the Kooh Imam is not appointed by the petitioner, and if he is not made, petitioner's subordinate, there is every danger of - his always questioning petitioner's authority in matters, in which the - petitioner's right is not taken away, and such interference will always lead to disquiet and will be a source of constant anxiety to the benign Government.

(h) In conclusion the petitioner humbly begs to submit that since

(i) he has never once misused or mismanaged his powers of superintendence and control of the Mosque,

(ii) there has been no complaint worth the name, about his qualifications &c. for the duties of his office,

(iii) he and his ancestors have been using these rights from more - than 100 years,

(iv) there can be found no better person to effectively and properly look after the Mosque affairs as the petitioner has been doing from a long time,

(v) it will be an act of unmerited disgrace for him for his authority to be questioned and his powers curtailed, after his having used them for

for so long a time.

5. He has proved, beyond all possible doubt he thinks, his right and title, legal, customary - and equitable to his office, to its emoluments and to all it rights, privileges and duties.

6. His Sir Khaziship and control over the other Naibs will be useless, without his right - prestige and authority in the chief Mosque of the district, the Chitaldroog Juma Mosque.

His rights over Naibs, Resh-Imams &c. may kindly be acceded to, and that so much of the order as - curtails the said well established privileges and - powers of the petitioner may kindly be reversed, and the same upheld, and prays that the Benign Government be pleased to pass corresponding immediate orders - thereon; and that the execution of the present - order may kindly be ordered to be stayed, till this petition is disposed of.

The petitioner subscribes himself, as

His Highness' Government's most obedient servant,

Syed Mohiyuddin Hussaini

BANGALORE
1st ~~Nov~~ Dec. 1922.

[illegible]ceedings of the Government of [illegible] under the [illegible]

****

Read:-(1) Government Order No. [illegible] dated [illegible] sanctioning the appointment of [illegible] Bhiyonsi [illegible] in [illegible] school [illegible] Chitaldroog Town, [illegible] Chitaldroog District, in succession to his father, and permitting him to appoint subject to the approval of the Deputy Commissioner, a qualified person to discharge the [illegible] duties [illegible] during his absence from head-quarters.

2. Petition [illegible] to [illegible] from certain [illegible] of Chitaldroog Town, praying for the appointment [illegible] Imam in the [illegible] at Chitaldroog.

3. Petition [illegible] from certain [illegible] of Chitaldroog, [illegible] that [illegible] the appointment of [illegible] is unnecessary.

4. [illegible] with letter No. [illegible] from the Deputy Commissioner, Chitaldroog District, submitting [illegible] report in the matter.

Order No. [illegible]
[illegible]

[illegible] October [illegible].

The [illegible] at Chitaldroog, is [illegible] institution [illegible] the [illegible] interest in [illegible] Chitaldroog District [illegible] of [illegible] the [illegible] but [illegible] has not [illegible] satisfactorily [illegible] on account of which there has [illegible]

id rabl. fc 'im, _ inst th 'ir chsri ovi. b. dif rom _ t
ch. n ir 'ti _ th ch r, b' ' ' i b r' or on t
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be granted to one of the [illegible] of the [illegible] in [illegible] the [illegible] Lateran [illegible]. The [illegible] is written in the [illegible] language, and naturally there [illegible] be [illegible] some mistake in understanding [illegible] of its terms. The [illegible] Deputy Commission [illegible] that [illegible] of the [illegible] the [illegible] of [illegible] [illegible] of that itself [illegible] be [illegible] [illegible] This is not [illegible] correct [illegible] [illegible] [illegible] the duty [illegible] over the religious practice [illegible] [illegible] [illegible] youths [illegible] [illegible] or [illegible] [illegible] [illegible] [illegible] [illegible] the Deputy [illegible] literally [illegible] runs as follows:-

[illegible] [illegible] [illegible] [illegible] the control. [illegible] [illegible] the control [illegible] [illegible] [illegible] [illegible] with authority [illegible] [illegible] [illegible] [illegible] called technically called [illegible] [illegible] [illegible] [illegible] authority [illegible] [illegible] is [illegible] [illegible] for the government themselves [illegible] [illegible] Institutions [illegible] [illegible] [illegible]

Duwam's Second

From the Adalat Cutcherry of the Mysore Sircar

Dated Hijre No.1222

S.A.

Order from the Adalat Cutcherry of the Southern of Mysore Province

To

Syed Mahomed Hussainy who is the Khazi of the Kasba of Chitaldroog, and who is the Sir - Khazi of the Chitaldroog Division.

Considering that you are come from a family of respectability and honourable position you are granted the privilege of the duty of the Chenawat (looking after as Khazi) of Chitaldroog Kasba, referred to above and the Taluqs that are surrounding it, which are described in detail below.

You are to diligently watch and to see to the - working of the duties of the Sheriat in the said places and are to see that the duties of religion are performed properly.

And, if either any from your Naibs (novices to offices of subordinate position) or any one else from the group of religious or non religious persons in the said divisions, does anything against the sacred law of - Sheriat, you are to see that they do not do so and if any such still persist in doing such things, you are to take their statements and get them punished, changed or transferred by the said Adalat Cutcherry.

And you are to question about the duties of religion to every Naib (religious subordinate) so that he may be properly versed in and understand the religious

religious duties that appertain to offices; and the supervisions ought particularly to be more and greater towards the Nikah Ceremony (marriage tie) and Zibah (the religious ceremony of taking away life of animals for food).

You see that there have been given to these Kuppis three strings; and if the Naibs are not careful about these things, there is great danger of the marriage becoming illegal and irreligious and the Zibah becoming irreligious to be eaten.

And this also it is your duty that you are to try and see by reading and otherwise that the congregation, both in the morning of the five times a day and in that of the Jumma (Friday prayer and sermons) is improved and made perfect, and you have to enforce upon the minds of the Naibs that they have to try their best and see that the children of Mahomedans are taught Islam and the creeds properly, and that they learn reading and write so you have also to note and see that they properly perform the religious functions of the prayers of Janazah (coffin) and the ceremonies of washing and burying the dead or not. And if you find that the Naibs do not do this work properly you have to see that they are corrected and do the work rightly.

You, yourself or through one of your Naibs, have to look after the said Kasaba of Chitaldroog and its surroundings. Because the said Kasaba particularly belongs personally to you. You have to keep account of (of) the census of the Mahomedan population, with - you of the said Kasaba, its surroundings and suburbs, and send us also a copy. And, any disputes - that may crop up, in the Mahomedan population of these places and whatever fees or customary money, that is -

due from them, and anything that except that if difficult and hard, you have to send it to the said Adalat Cutcherry. If any Mail, out of your Taluq is now under your control, you have to petition about him and inform the same to the Adalat Cutcherry, so that it may be dealt with properly. The Id-ul-Juma and Id-ul-Fitr (weekly and yearly ~~festivities and~~ prayers) you have to perform them, with the congregation of Muslims. You have also to perform or get performed Bismillah Khwani (the ceremony of initiating children into reading and writing) Nikah and in the proper way. There are twelve Taluqs around Chitaldroog, except the Kasaba of Chitaldroog itself. All the Naibs of these places are hereby ordered to you to be under your control. You are to manage and administrate all these. Twice in a year, you are to send to the said Adalat Cutcherry, a detailed account of the above rents of the Sacred Shariat of the said three.

(1) Cusbah of Chitaldroog
(2) Hiriyur Taluk
(3) Anji Taluk
(4) Malkalmam Taluk
(5) Davangere Taluk
(6) Maikonda Taluk
(7) Talak Taluk
(8) Doddari Taluk
(9) Makode Taluk
(10) Hosdroog Taluk
(11) Kankuppa Taluk
(12) Bilchode Taluk
(13) Holalkere Taluk.

Chitaldrug District.

Judicial Assistant Superintendent's Court.

31st March 1870.

BEFORE

J. Ramiah Naodu., Judicial Assistant Superintendent.

Original Suit No. 5 of 1870.

Syed Sibagatulla — Plaintiff

Vs

Syed Mohadeen, Chitaldrug. — Defendant.

By Vakil Sreenivasa Rao, Chitaldrug. Both parties appeared and heard.

JUDFMENT.

Suit for a Declaratory Decree to exercise the right of a Kahjee to superintend the Musjid at Chitaldrug and to - nominate and remove from Office the Pesh Imam for the said Musjid.

2. Admits the right of the plaintiff as Khajee of Chitaldrug and Sir Khajee of the Taluks in the District - under the Hukummamah and Sannads held by him and states that the plaintiff is competent to perform or cause to be performed the religious rights and ceremonies in confirmity - with the precept of Sharaw or Koran and that he (defendant) is prepared to abide by any instructions which the plaintiff which the plaintiff as Khajee may choose to issue under the rulings of the Sharaw that the plaintiff is entitled to - superintendent or cause to be superintended the Mosque in Chitaldrug, that he is willing to act as Pesh Imam as hither to and that the plaintiff is competent to control over him or to nominate or remove him from the Office of Pesh Imam when such a measure becomes the sanction of the Sharaw.

3. The plaintiff to establish his suit produces the following documents.

(a) Canarese Sunnad signed by His Highness the Maharaja of Mysore dated the IIth April I8I4, appointing Mohamad Hussain Sahab (grand-father of the plaintiff) as Khazee of the Chitaldrug Division on a salary of I0 Pagodas per month.

(b) Orders from His Highness the Maharaja of Mysore to all the Amildars of the I3 taluks in the Chital drug Division dated the 30th April I8I4, announcing the appointment of Mohamad Hussaine Sahab as Cazee of Chitaldrug, and chief Kazee of all the Taluks, and requiring them to warn the Khazees to place themselves at the disposal of the Sir Khazee in religious matters.

(c) Orders from the Huzoor Adalat Cutcherry of the Mysore Government dated the Ist May I8I4 definning the duties of cazee and Sir Cazee.

(d) Orders from the acting Judicial Commissioner dated I3th March I860 No. 2 to plaintiff Syed Sibgatulla Hoossani appointing him to succeed his Grand-father as Sir Khazi for the Division of Chitaldrug and to place himself at the disposal of the superintendent fixing his salary at 5 pagodas per month.

(e) Endorsement from the Chief Commissioner of Mysore dated I6th March I863 serving plaintiff to be - chief of the Cazees.

(f) Title deed from the Inam Commissioner No 44 dated 7th April I869 granting ready money Inam of Ruppes I74-8-0 to plaintiff as Sir Khazee of the Chitaldrug District for the time being.

(g) Endorsement from Major Dobbs Superintendent dated 2nd July I85I noting the right of plaintiff's grand father to superintendent the Muszeed at Chitaldrung.

(h) Reply from the plaintiffIs grand-father to the effect that the defendant was dismissed from his - office for misbehaviour to an endorsment from Major - Dobbs forwarding a petition from the town people complaining of the dismissal of the defendant by plaintiff's grand-father dated I7th September I85I.

(i) Endorsement from Major Porter Superintendent dated I4th April I853 forwarding to the plaintiff's grand-father a petition from the villagers of Chiknayanahalli to appoint a proper Cazee for that village.

(j) Petition from one Siddakalli to Major Dobbs complaining of his removal from the office of Khazee of of Chitaldrug Taluk by Sir Khazee plaintiff's grand-father dated 3Ist January I860.

(k) Petition from one Siddakally to Captain Bruce complaining of the appointment of the Defendant by the plaintiff's grand father dated 26th July I860.

(l) Endorsement from Major Bruce Deputy Superintendent of Tumker dated 20th December I867 appointing to the post of Khazee a person recommended by plaintiff as Sir Khazee.

(m) Receipt from defendent as Paish Inam to - plaintiff's grand father as Sir Khazee for Rs 32-2-0 as his pay for I852 and I853 in the defendant's own Handwriting.

(n) Receipt from D.O. to D.O. for Rs 202-8-0 from I853 to I862 in defendant's own handwriting.

(o) Do from D.o to plaintiff for Rs 54/- upto I864 in defendant's own handwriting.

(p) Do from Do to Do for Rs 8I-0-0 upto I866 in defendant's son Abdul Razak's writing.

(q) Do from Do to Do for Rs 20-4-0 up to end of September I868 in the handwriting of Do. Total Rupess

Rs 389-I4-0.

(r) Fatwa from the moulvi of Vellore to the effect that Khazee is competent to superintend a Musjeed and that a Paish Inam is subordinate to the Khazee.

(s) Endorsement from Deputy Superintendent of Chitaldrug dated 26th December I868 referring plaintiff to a Civil Court for the establishment of his rights as Khazee.

(t) Endorsement from the Chief Commissioner - dated I8th January I869 confirming the orders of the - Deputy Superintendent of Chitaldrug of 26th December I868 refering the plaintiff to a Civil Court establish his right as Cazee.

The subjoined is the translationf of Document C from the Huzoor Adalat Cutcherry of the Mysore Governmen to Syed Mohammad Hussaini Sahab (grand-father of the - plaintiff) Cazee of Chitaldrug/and Sir Khazee of the - Chitaldrug Division dated the Ist May I8I4.

(I) From consideration of the honourable position and respectability of your ancesters you are appointed Sir Khazee of Chitaldrug and its Taluks and your duties and powers are here under described.

(2) You are always to carry out the precept of - "Sharow" (kuran) according to religious custom in the above said places and to keep yourself informed how the matters are managed.

(3) If any of the Naibs in your Division commit breach of religious duties you are to remove them from their posts. If any of the Musalmins in the Division act against the sharow(Kuran) and religious previleges you are to rectify them, if they are not submissive to you you are to submit a detailed statement of their case to the Huzur Adalat Cutcherry recommending their punishment.

punishment or removal (of as Nahibs).

(4) You are to question the Naibs to their qualification on provisions of Sharow and religious rites Aha Kan, Arkhan, Nikha Khani and Jubbakhani.

(5) You are to be very particular in lecturing the Naibs on these subjects and if they are deficient the rites of Nikhakhani and Jubbakhani &c., will be mismanaged and discontent produced.

(6) It is due to you to assemble or cause to - assemble people to attend the Namaz of the 5 times and also to the Namaz of Friday's you are to be deligent and ac active in seeing that the children of the caste are instructed to read and write and in the religious subjects.

(7) You are to perform or to cause to be performed properly the religious ceremonies for the dead of musalmans and to dress and arrange the corpses in the waranted manner for their burial.

(8) You are to afford in person or by a Naib the religious service to (the caste) people in Cusba and its villages. The Casba Taluk is to be under your immediate management.

(9) You are to keep an account of the Musalman - population in the Casba and in the villages of Chitaldrug Taluk and any fees you collect for religious difference amongst the Musalmans, you are remit to the Huzur, you will also submit to the Huzur Adalat Cutcherry such other cases which cannot be disposed of by you.

(IO) When any of your Naibs fail to conferm to your instructions, due notice will be taken of their conduct if you report them to the Adalat Cutcherry.

(II) You are to conduct for the Musalman people, the Zumma Namaz and Idain Namaz annualy performed outside the Town, you are to be most particular in attending for the

religious rites of Bismilla Zubah and Nikha.

(I2). There are altogether I2 Taluks with villages besides Chitaldrug. The I2 Naibs for the Taluks are - placed under you, you shall have full control over them, and to submit half yearly reports regarding the caste and religious disputes in the Division.

(I3) The following is the list of Taluks:-

I. Chitaldrug Casaba.
2. Anjee
3. Tollock.
4. Hosdroug.
5. Hollalkery.
6. Davangere.
7. Moolkalmooroo.
8. Dodari.
9. Kankuppa.
I0. Hiriyur.
II. Mayhhonda.
I2. Mottodu.
I3. Bilchodu.

5. The Plaintiff asserts that some 8 individuals have been acting as Paish Inams in the Maszid of Chitaldrug from I8I4 to I868 as elected by his Grand Father and himself viz.

(I)	Shali-Hussain Saheb from ...	I8I4 to I830
(2)	Syed Mohadeen Saheb Deft. ...	I830 to I832
(3)	Mohammad Hussain Saheb. ...	I833 to I84I
(4)& 5.	Mohamadally and his brother Madar Saheb. ...	I842 to I845
(6)	Gows Saheb ...	I846 to I850
(7)	Syed Dastagir ...	I85I to I852
(8)	Syed Mohaiaddin Saheb Deft ...	I852 to I868

6. Difference appears to have arisen between the Plaintiff as Cazee and defendant as Paish Imam in November I868 and hence the cause of action.

7. In the opening of the case the parties entered into a prolonged and promiscuous arguments in the tone of discontent, and disappointment not short of anxiety and latterly the defendant probably wisely for his own sake yeilded to the force of Justice which he mistakenly attempted to resist, and wound up his defence by admitting his in plain terms the right of the plaintiff as Cazee, his right to nominate and remove him from his office of Pesh Imam, and to superintend the Masjid provided his instructions and actions as such followed, the course prescribed by their Hily Khuran.

8. The sensible defence of the defendant does away with the necessity of saying much for either of the parties, and the plaintiff accordingly asks for a decree, - without examination of his witness.

9. However I feel it my duty to make a few observations from the facts which I have been able to gather both from the arguments of the parties and from the perusal of documents filed in the suit with a view to help the parties to see more clearly the position they held.

I0. The Musalman population of the town of Chitaldrug is apparently divided into 2 portions each being headed and led by one of the parties of this suit.

II. Perhaps these parties of the holy class with which appelation they move amongst their subjects have an object in falling out and standing aloof one party from the other, and thus divide their perquisits from their subjects left in dark for that purpose, as if union was followed, the -

advantages desirable from the caste-people will all reach the pocket of one only, if not disproportionatley to both in earnest.

I2. However the case may be the question between the parties as to be solved for them now.

I3. The issue on the onset may look as, if not, was not cognizible by a civil court, or as one to be settled by the people themselves for whose benefit the parties - were advancing reason to uphold their respective rights.

I4. The plaintiff has been referred by the Deputy-Superintendent and the Chief Commissioner to the Civil - Court and I think it would be unreasonable to expect him to have his difference settled by his adversaries.

I5. If it is really the intention of the parties to adhere as they profess to do to the dictations of the "Khuran" for the service of their defendants there could or ought not to be any difference between them nor could they find it difficult to appease to unite their divided castemen.

I6. The fortitude of right and power held out to the plaintiff by documents A.B.C.D.E. & F and exercised by him and his ancesters as may be inferred from documents G.H.I.J.K.L.M.N.O.P.Q., is too strong and prominent for the defendant to ignore or deny.

I7. Nevertheless it is to the advantage of the plaintiff to win the good will, and confidence of the whole body of his people to render his position agreeable to them.

I8. The Musjid the right of superintending which the plaintiff claims is one intended to be kept open at all times for its religious and legitimate purpose.

19. From the terms of numerous documents filed by the plaintiff as a paid religious servant of the State - from the admittance of the defendant of the asserted right of the plaintiff and from the relative positions of the - parties I am led to believe that the plaintiff has greater claims than the defendant to exercise the rights set up in the pleadings.

20. I therefore feel justified to declare that the plaintiff for the time being, or so long as his orders from the Government stand good, has the right of performing the duties of Cazee of Chitaldrug and Sir Khazee of the Chitaldroog District and as such to be hold charge of the Musjid at Chitaldrug for its legitimate purposes and to nominate or to remove the Pesh Imam of the said Musjid from his office when his conduct calls for such a measure under the sanction of the "Khuran".

22. Each party to bear his cost, as both the parties appear to have entertained doubts as to their respective - titles.

Sd. J. Ramaiah,
Judicial Assistant Superintendent,
Chitaldrug District.

"True Copy"

Abdul Khader,
Officers, Judicial Assistant Superintendent,
Chitaldrug District.

A SHORT HISTORY OF THE CASE.

1. The Chitaldroo Mosque in question was partly built by the Sultan-e-Shaheed's (Tippu Sultan's) order a long time ago, probably in the latter part of the 18th Century.

2. It was incomplete, and owing to the change in the Dynasty the Government of the Commissioner after - the above, utilised the structure as a prison.

3. Then, afterwards, Syed Mohomed Hussainy, the great-grand-father of the present petitioner (Syed Mohiuddin Hussainy came to Chitaldroog about the year 1814 from Mysore and he wrote to Foujdar Ashraf Ali Khan - Saheb of the regiment stationed at Chitaldroog and in - whose charge the prison mosque was, to hand over the - Mosque to the petitioner, for the purpose of prayers to Muslims of the place, who had no Mosque to offer their prayers in

4. The Foujdar Saheb on the above wrote to His Highness, for permission for the above and it being - granted, he handed over the Mosque to the said ancestor of the petitioner.

5. Then a Sanad, dated about 1814 was granted to the said ancestor of the petitioner, giving him - powers of management and superintendence &c. (Ex.A. a translated copy of which is herewith produced) and all other orders and Sanads similarly granted empowering him to appoint or remove pesh Imams, and giving him - general authorities of administration over the Mosque and other affairs, are embodied in the Civil Courts decree. Ex.B. a copy of which is herewith produced.

6. That after that we and with the help of the Muslims of the place, completed the Mosque and greatly improved it, making it look like a Musjid; and from - then onwards it was actually used as a Musjid. No other Musjid in the place was in existence at that time

7. That after the death of the said great-grand-father of the petitioner, the grand-father of the petitioner being dead, the father of the petitioner Syed - Sirbuzull Hussainy, was appointed Sir Khazi in his place in about the year 1860.

8. It was only in the petitioner's father's time that the Naib now called Pesh Imam by name Syed Mohadin who was appointed by petitioner's great-grand-father, - began to question the authority of the Sir Khazi to appoint or dismiss Naib or Pesh Imam, on which was filed a suit and a decree (Ex.B) was passed upholding the authority of the Khazi to appoint or dismiss the Naibs or Pesh Imams.

9. On this decree the Naibs appealed and his appeal petition was dismissed by the Judicial Chief - Commissioner Mr.Bowring who also confirmed and upheld the power of the Sir Khazi to appoint or dismiss the - Naib or Pesh Imam in civil order No.312 of 1870, May 21. Thus, the power of the Sir Khazi has been judicially - recognised and upheld and no executive order against can alter or revoke the same.

10. A number of Naibs or Pesh Imams were then appointed or dismissed at will by the Khazi, as could be seen by in Ex.B.

11. There have always been petitions, by the very minor and less significant-aggrieved party, due not to any genuine and legitimate grievance, but out of personal ill

ill-will and spite, to molest and trouble the Khazi always and particularly if the [illegible] active [illegible] to the district

12. A list of such [illegible] consecutive Deputy-Commissioners

(1) [illegible]
(father of the [illegible] their Deputy [illegible]
[illegible]
1869
[illegible]

(2) [illegible]
Ali [illegible],

[illegible]

(3) [illegible]
by agreement about [illegible]
placed [illegible]
March 1896, the

[illegible] probably at about this date that [illegible] was taken over to Muzrai control but it is doubtful if a great majority of the Hindu religious endowments [illegible] management [illegible] is a record showing such approval.

(ii) [illegible] Abdul Khadir Sahib, the then acting Deputy Commissioner, by the year 1900, he also [illegible] and [illegible] Abdul Khadir (who was [illegible]) was to be [illegible] or year and if the [illegible] to any time

[illegible] by a letter No. [illegible] dated 16-5-1903 [illegible] that the [illegible]

(3) [illegible] Jaengich [illegible] Deputy Commissioner about the year 1903 [illegible], Vide Government Proceedings No. [illegible] dated 16-6-1909 that the fresh [illegible] was unnecessary.

(4) [illegible] Subramanyam Iyer (the present Inspector General of Police) about the year 1909. [illegible] after sleeping [illegible] three days, and found, that after voting, a large majority was in favour of the Khazi and consequently it was thought unnecessary to appoint or retain

(j) On such a petition [illegible] ness about the year 191[illegible] ne it being forwarded to the then Deputy Commissioner M. [illegible] it was again ordered after enquiry that the Kosh Imam was unnecessary (G.O.No.23.5/Muz.607-13-11 dated 30-3-16,

(k) after the above was [illegible] pleased to order in G.O. No.647-30/Muz.780-14-3 dated Bangalore 21st August 1919 that the present petitioner be suspended but not, one is permitted to appear, during [illegible] a qualified person to act for the duties of the Kazija-ship will be the Deputy Commissioner

(l) on such a petition again to Mr.Venkata Rao, the then Deputy Commissioner, about the year 1919, he again was ordered [illegible] but the case got when he was on leave in the middle, Mr.Syed Hasan, who - present Deputy Commissioner, was pleased to recommend about 21-5-20 that one [illegible] Syed Abdul Khalik may be appointed second Kazi - Imam, on trial basis, and [illegible] Deputy Commissioner returning [illegible] was pleased to recommend that no such [illegible] necessary. Reference G.O.No.1081 of 17-20 dated 9-10,

(m) Finally, on such a petition again the Government were pleased to order in their order No.1b21-3/Gen.bis/-21 dated 2-[illegible] that the Kosh Imam, Abdul Khalik, shall [illegible] ditary rights to his office, but is not to be appointed Kosh Imam. The order [illegible] the Deputy Commissioner (Mr.) may appoint [illegible] Kosh - Imam; ignoring the [illegible] of the Shafi [illegible]

The petitioner is willing to produce if required signals or copies of all the exhibits referred to and which are in his possession.

S. VI—G/32]

SUBJECT.....

*Diary No. of letter replied to*_____

General and Revenue Secretariat
( )
, *the* 191 .

Section
File No. 254-22
Serial No 4

No 2405

Date of issue 18th March 23.

Signed by Mr P.S. Jeyarama Aiyar

To

Sir Khaji Syed Mohiyudd Hussainy Badsha Saheb,
Khaji of Chitaldrug

With reference to his Petition of 28.11.22 praying for a review of G.O.No. 1524-3 Jmor 577-19-2 of 13.10.? Sir Khaji Syed Mohiyuddin Hussainy Badsha I is informed that the order sought to be reviewed

was passed after hearing
the case at length, and
taking all the circumstances
of the case into consideration,
and do not see no reason has therefore
to reconsider it. The appln
for review is based upon
a misinterpretation of the
terms of the award &
misconception of the duties
of the Khaji, ~~and~~ it is accordingly
rejected

K O.

13/1/23

Secy Revenue

18/1/23

2406 & 1-3-23

Copy forwarded with Compts
to the Mar Cmr in Mysore

K O

Revenue

18/1/23

List of enclosures.

Govt

Revenue

26.2.23

Copied by

Examined by